

Amendment to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-12 (canceled)

Claim 13 (previously presented) A process of identifying music comprising:

- a) providing a portable communication device to be used by a consumer;
- b) a service provider providing a music identification device having a database of prerecorded musical works;
- c) the consumer recording a segment of music that is audible to the consumer in a location remote from the music identification device using said portable communication device;
- d) the consumer transmitting said recorded musical segment from said portable communication device into a central processing unit of the music identification device;
- e) the music identification device analyzing and comparing said musical segment to the database of musical works;
- f) the music identification device identifying at least one closest match;
- g) the music identification device generating database information regarding said at least one closest match; and
- h) the music identification device transmitting the database information regarding said at least one closest match to the consumer.

Claims 14-19 (canceled)

Claim 20 (previously presented) A method for purchasing a music item comprising the following steps:

- a) providing a portable communication device to be used by a consumer that is listening to a source of audible music;
- b) a service provider providing a remotely located music identification/purchasing system having a database of prerecorded musical works;
- c) the consumer directing a microphone of the portable communication device toward the source of audible music;
- d) the consumer activating the portable communication device to transmit a segment of the audible music to the remotely located music identification/purchasing system;
- e) the music identification/purchasing system automatically entering said transmitted segment of music into a central processing unit of said music identification/purchasing system;
- f) the music identification/purchasing system automatically analyzing and comparing said transmitted segment of music to music contained in a music database; and
- g) the music identification/purchasing system automatically identifying a music selection providing the closest match from music contained in the music database to said transmitted segment of music;
- h) the consumer receiving purchasing information from said music identification/purchasing system related to the music selection providing the closest match;
- i) the consumer transmitting at least one music item selection and payment information to said music identification/purchasing system; and
- j) the consumer receiving said music item selection.